

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ROFRESCI DEWIGHT YOUNG

PLAINTIFF

V.

CIVIL ACTION NO.2:11CV189-MPM-DAS

H.M. GRIMMETT, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

On February 29, 2012, plaintiff, a pretrial detainee at the Bolivar County Regional Correctional Facility, appeared before the court for a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985) to determine if there exists a justiciable basis for his claim filed pursuant to 42 U.S.C. §1983.

At the hearing the plaintiff testified that he broke his arm six years ago and within a matter of months noticed that the moon was following him around town. He believes that he has had a wire implanted in him and that law enforcement can communicate with him and cause him to commit crimes through the use of this wire. He says that others are living his life and living his mother's life. He believes the sheriff is trying to kill him with the 'invisible tool.'

The plaintiff no doubt is in serious need of mental health care, a suggestion that he rejected at the hearing. It is obvious that he is tormented by the predicament he describes, but his claims are the product of delusion and therefore due to be dismissed. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

Accordingly it is recommended the complaint be dismissed with prejudice.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72(C) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within fourteen days

of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within fourteen days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Plaintiff is directed to acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the court within fourteen days of this date. Plaintiff is warned that failure to comply with the requirements of this paragraph may lead to the dismissal of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

This the 20th day of March, 2012.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE